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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Peter John Rogers, et al.  
Appln. No. : 10/031,536  
Filing Date : January 18, 2002  
For : SOIL CONDITIONER, FERTILIZER AND FUNGICIDE  
COMPOSITIONS

February 21, 2002

Hon Commissioner of Patents  
and Trademarks  
Washington, DC 20231

**SECOND PRELIMINARY AMENDMENT**

SIR:

Prior to prosecution, please amend the above-identified patent application as follows:

**IN THE CLAIMS**Cancel claims ~~20-38~~ without prejudice, and add the following ~~new~~ claims:

39. A fertilizer composition comprising malt extract or spent grain liquor, wherein said composition contains less than 0.5% lime w/w.
40. A fertilizer composition according to claim 39, wherein the malt extract or spent grain liquor comprises cations, free amino nitrogen, glucans, carbohydrates, sugars, amino acid peptides, and polyphenols.